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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,221	02/11/2004	Tetsuya Sawano	0649-0950P	9994
2292 7590 09/20/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER FUJITA, KATRINA R	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 09/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/775,221

Applicant(s)

SAWANO, TETSUYA

Examiner

Katrina Fujita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,6,7,9,10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,6,7,9,10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is responsive to the applicant's remarks received on June 27, 2007. Claims 2, 3, 6, 7, 9, 10, 13 and 14 remain pending.

***Oath/Declaration***

2. The previous Oath/Declaration objection is withdrawn in light of applicant's submission of a new Declaration.

***Specification***

3. The previous specification objections are withdrawn in light of applicant's amendment.

***Claim Suggestions***

4. The previous claim suggestion is withdrawn in light of applicant's amendment.

***Claim Objections***

5. The previous claim objection is withdrawn in light of applicant's amendment.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 6, 7, 9, 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ratcliff and Simpson et al. (US 7,096,265).

Regarding **claims 2 and 9**, Ratcliff discloses a data processing server (figure 3, numeral 210) comprising:

a plurality of computers (figure 3, numerals 105-130) connected to the data processing server through a network (figure 3, arrow between 210 and the processors),

a database storing identification information identifying each computer ("listing of thousands or millions of processor identification numbers with data network addresses

such as IP addresses for data processing devices” at paragraph 0028, line 13) that is connected to data processing server through the network,

an identifying processor (figure 4, numeral 405, which is equivalent to applicant’s disclosed identifying portion) for identifying one of the plurality of computers connected to the data processing server through the network as a computer owned by an owner (“database in which various recipients are associated with particular processors” at paragraph 0040, line 16) that has sent image data using the identification information (“identifying the processor which delivered the result” at paragraph 0040, line 8); and

an instructing processor (figure 4, numeral 405, which is equivalent to applicant’s disclosed image processing instructing portion) for providing the computer identified by the identifying processor with an instruction to execute the processing of data (“originating server 210 monitors the particular data and/or algorithms distributed to the various processors” at paragraph 0028, line 1; “The algorithms and data are spread across multiple processors and processed” at paragraph 0030, line 1).

Ratcliff does not explicitly disclose image data being received from the terminal device.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to use the data processing server as taught by Ratcliff to process image data, since image data is a type of data.

Furthermore, Ratcliff does not teach second identification information identifying mobile terminal devices that are owned by owners of the computers that are connected

to the image processing server through the network, third identification information identifying any mobile terminal device which sends image data, said first and second identification information being stored in correspondence with each other, that the identifying one of the plurality of computers connected to the image processing server through the network as a computer owned by an owner of a mobile terminal device that has sent image data is done using the first, second and third identification information stored in the database, and the data processed is received from the mobile terminal device.

Simpson et al. discloses an image processing server (figure 3, numeral 334), which provides a service to execute processing of image data ("provide services used to create, retrieve and/or manipulate graphics" at col. 7, line 51) received from a mobile terminal device ("imaging client device 302 has limited storage capacity (e.g., for PDAs, mobile telephones and other similar devices" at col. 8, line 37), comprising:

a database (figure 3, numeral 324) storing first identification information (figure 3, numerals 328 and 330) identifying each computer (figure 3, numerals 336 and 346) that is connected to the image processing server through the network, second identification information ("references to all or a portion of the personal imaging repository 320 for that user profile" at col. 7, line 20) identifying mobile terminal devices that are owned by the owners of the computers ("repository 106 can be maintained on one or more computing devices associated with the imaging client" at col. 3, line 58) that are connected to the image processing server through the network, and third identification information (portion of figure 3, numeral 324 that stores the "one or more profiles" at col.

7, line 8) identifying any mobile terminal device which sends image data ("functions as a service that uses appropriate methods to create, modify, access and cancel profiles" at col. 7, line 26), said first and second information being stored in correspondence with each other (see figure 3);

identifying means (portion of figure 3, numeral 324 that corresponds with figure 3, numeral 310; which is equivalent to applicant's disclosed processor) for identifying one of the plurality of computers connected to the image processing server through the network as a computer owned by an owner of a mobile terminal device that has sent image data using the first, second and third identification information stored in the database ("maps to the appropriate methods (i.e. makes use of the methods) in the user profile" at col. 7, line 28); and

providing the computer identified by the identifying means with an instruction to execute the processing of the image data received from the mobile terminal device ("instructions 308 that call on methods of imaging extension 310 to access the personal imaging repository 320 and perform various web-imaging operations" at col. 6, line 21).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to utilize the user profile store of Simpson et al. in the server of Ratcliff such that "each accessible service can be 'customized' based on the underlying data for each particular user" (Simpson et al. ad col. 4, line 17).

Regarding **claims 3 and 10**, Ratcliff discloses reward information producing means ("figure 3, numeral 320, which is equivalent to applicant's disclosed reward information producing portion) for producing reward information ("reward signal includes

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information identifying the processor which delivered the result” at paragraph 0040, line 7) to give a reward to an owner of a computer (“reward server 320 provides a reward to a recipient 325 associated with a particular processor” at paragraph 0039, line 1; “several reward options such as weekly/monthly payments, hourly payments, a flat fee, etc” at paragraph 0041, line 9) which executes the processing of data.

Regarding **claims 6 and 13**, Ratcliff discloses that the reward information producing means produces the reward information to give the reward of compensation to the owner of the computer that executes the processing of data (see above).

Regarding **claims 7 and 14**, Ratcliff discloses that the reward information producing means decides contents of the reward information to give the reward of compensation, in response to an amount of image data processed by the computer that executes the processing of the image data (“reward signal includes information identifying...the amount of processing time expired. In this way, an appropriate reward can be provided to recipient” at paragraph 0040, line 7).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 2, 3, 6, 7, 9, 10, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.



**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 7,043,255, US 2004/0190023, US 2004/0228528, and US 7,010,596 are each pertinent as teaching server systems.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katrina Fujita whose telephone number is (571) 270-1574. The examiner can normally be reached on M-Th 8-5:30pm, F 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katrina Fujita  
Art Unit 2624



BRIAN WERNER  
SUPERVISORY PATENT EXAMINER